



305 West Grand Avenue, Suite 300  
Montvale, New Jersey 07645  
Phone 201.930.9890  
Fax 201.930.9805

December 10, 2012

**VIA ELECTRONIC AND U.S. MAIL**

Ms. Caroline Kwan  
Remedial Project Manager  
Special Projects Branch  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 20th Floor  
New York, New York 10007-1866

Re: Progress Report No. 17 – November 2012  
Newtown Creek Remedial Investigation/Feasibility Study

Dear Ms. Kwan:

Anchor QEA is submitting this monthly progress report for the Newtown Creek Remedial Investigation/Feasibility Study (RI/FS) on behalf of the Respondents to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). As set forth in Section 42 of said Settlement Agreement, this progress report is divided into the following areas:

1. Actions taken to comply with the Settlement Agreement during the previous month
2. Results of sampling and tests and all other data received by Respondents to the Settlement Agreement during the previous month
3. Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays
4. Work planned for the next 2 months with schedules relating to the overall project schedule for RI/FS completion

[www.anchorqea.com](http://www.anchorqea.com)



**1. Actions Taken to Comply with Settlement Agreement during Previous Month**

- The Newtown Creek Respondents (NCR) submitted a revised *Cultural Resource Survey Stage 1A Report* to USEPA for final review on November 2. On November 20, USEPA indicated that the revised report adequately addressed its prior comments, but provided a few additional comments to be addressed before finalizing the report. The NCR are currently preparing the final report that addresses these additional comments and plan on submitting this final report to USEPA in December.
- The draft *Human Health Risk Assessment: Preliminary Exposure Pathways and Exposure Factors – Interim Report* was submitted to USEPA on November 2.
- On November 8, USEPA requested the NCR prepare a Phase 1 RI Work Plan Addendum (Work Plan Addendum) letter that detailed the review and approval process the NCR and USEPA went thorough to arrive at a final document. A draft letter was prepared and submitted to USEPA for review on November 16. USEPA provided comments on the draft letter on November 30, and the NCR submitted a revised draft that addressed these comments to USEPA on December 3. USEPA approved the Work Plan Addendum letter on December 4.
- The NCR and USEPA met in New York City on November 15 to discuss technical details and legal concerns regarding the use of the New York City Department of Environmental Protection (NYCDEP) combined sewer overflow (CSO) model developed as part of the City's Long-Term CSO Control Plan. NYCDEP presented a detailed overview of the development, calibration, and application of the CSO model. The NCR and USEPA then discussed legal issues and concerns regarding the transparency of the model to the public under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requirements. A follow-up teleconference between the NCR and USEPA was held on November 27 to discuss a path forward for exchanging technical information related to the development of the point source model for Newtown Creek and the use of the NYCDEP CSO model output as input to the larger hydrodynamic model for Newtown Creek. A follow-up in-person meeting is tentatively scheduled for December 7.

Also discussed at this meeting were possible ideas on post-Hurricane Sandy monitoring of Newtown Creek. The NCR proposed several activities, including: 1) conducting a post-hurricane bathymetry survey that can be compared to the fall 2011

bathymetry survey results to examine potential changes to the creek bed during the hurricane; 2) retrieving the current meters installed in the creek and examining current information gathered during the hurricane; 3) performing a hydrodynamic model simulation of the hurricane and examining the predicted effects of the hurricane in relation to non-storm conditions; and 4) collecting surface sediment grab samples from various locations throughout the creek for physical characterization and analysis. The conduct of these activities in stages was discussed. Specifically, the NCR indicated the first three activities listed above would be performed as soon as possible, and the results of these analyses would then be used to inform a surface sediment sampling plan that would be conducted in early spring 2013. This surface sampling plan would consider both areas where the pre- versus post-Hurricane Sandy bathymetry comparisons showed changes in creek bed elevations and areas where measurable changes in creek bed elevations were not evident. Additional locations would be added, as appropriate, based on the results of the above analyses.

- An information package containing technical materials that will be discussed during the December 7 Modeling Workshop No. 1 was submitted to USEPA on November 16.
- The Action Items List from the October 19 uplands evaluation call was submitted to USEPA on November 27. The next update call is scheduled for December 10.
- The project Gantt chart was revised to reflect ongoing discussions between the NCR and USEPA. This revised project Gantt chart was submitted to USEPA on November 28.
- The following Phase 1 field-related activities were conducted in November:
  - The Quality Assurance Project Plan/Field Sampling and Analysis Plan (QAPP/FSAP) Deviation Memorandum No. 5, originally submitted to USEPA on October 24, was approved by USEPA on November 8.
  - The tenth round of analytical surface water sampling was conducted from November 11 through November 16.
  - The eighth round of current meter data retrieval and re-deployment was conducted on November 28 and November 29.
  - The draft *FSAP Addendum No. 3 – Wet-Weather Field Observations Surveys*, which details the procedures for obtaining additional information regarding point and non-point source discharges to the Study Area during wet-weather conditions,

was submitted to USEPA on November 21. USEPA provided comments on the draft addendum on November 27. A revised draft that addresses these comments was submitted to USEPA on November 29. USEPA approved this revised draft on November 30.

- The draft *FSAP Addendum No. 4 – Supplemental Bathymetric Survey Data Collection*, which describes the rationale and procedures for conducting a post-storm bathymetry survey in the Study Area, is being prepared and is scheduled for submittal to USEPA in early December.
- The following activities continued in November:
  - Thermal infrared imagery data evaluation
  - *Sources Evaluation Process Report* (SEPR) preparation
  - Hydrodynamic and sediment transport model development
  - Groundwater and point source evaluations
  - Preparation of an Other Non-Point Sources Inventory for *Data Applicability Report* (DAR) and non-DAR sites
- The draft Other Non-Point Source Inventory for DAR and Non-DAR Sites continued to be compiled. A draft inventory is scheduled for submittal to USEPA on December 3.

## ***2. Results of Sampling and Tests and Other Data Received by Respondents during Previous Month***

- Final data validation and/or quality control (QC) review was completed for the June and July analytical surface water sampling events (and are included on the enclosed compact disc [CD]).
- Validation and QC review of the subsurface sediment sampling chemistry data continued.
- Validation and QC review of the reference area sampling results were initiated.

---

**3. *Encountered and Anticipated Problems and/or Delays and Solutions Developed and Implemented to Address Them***

- Field equipment that was deployed during Hurricane Sandy were retrieved and examined for possible storm-related damage. The field weather stations and current meters in the creek were found to be intact and operating properly. Data from both sets of units were downloaded and are currently undergoing review. The tide gauges were found to be intact as well, but lost power during portions of the storm when the equipment was submerged. As a result, data during these periods are not available. The validity and usefulness of the data retrieved from the weather stations and current meters during the storm will be reported once the evaluation is complete. The effects of Hurricane Sandy on the overall project schedule are still being evaluated. Potential project schedule implications will be clearer once the results of the post-hurricane bathymetry survey and the spring 2013 surface sediment sampling are available and are assessed.

**4. *Work Planned for the Next 2 Months with Schedules Relating to the Overall Project Schedule for RI/FS Completion***

- The draft SEPR and Other Non-Point Source Inventory for DAR and Non-DAR Sites are scheduled for submittal to USEPA on December 3.
- Modeling Workshop No. 1 is scheduled for December 7.
- The following Phase 1 field activities are scheduled for the next 2 months:
  - Analytical surface water column sampling: Weeks of December 3 and January 7
  - Current meter data retrieval and re-deployment: Weeks of December 17 and January 21
- The *Phase 1 Remedial Investigation Field Program Data Summary Report – Submittal No. 1* that presents a subset of the Phase 1 field sampling results is scheduled for submittal to USEPA on January 18.

If you have any questions regarding this progress report, please do not hesitate to contact me at (201) 571-0912 (e-mail: [jquadrini@anchorqea.com](mailto:jquadrini@anchorqea.com)).

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Quadrini", with a stylized flourish at the end.

Jim Quadrini, P.E., BCEE  
Anchor QEA, LLC

cc: Nica Klaber, USEPA Region 2 Remedial Project Manager  
Michael Mintzer, USEPA Region 2 Assistant Regional Counsel  
Ian Beilby, NYSDEC, Division of Environmental Remediation  
Dennis M. Reznick, Common Counsel for Newtown Creek Group Respondents  
Susan Amron, Counsel for Respondent, City of New York